

UNITED STATES PATENT AND TRADEMARK OFFICE

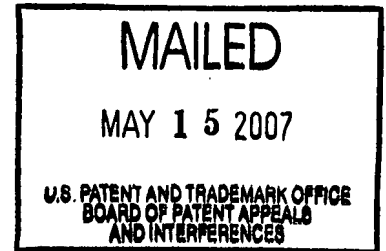
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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* OSAMU YAMASHITA,  
RICHARD ORMSON, FREDERIC GABIN,  
DARIOUSH DOWNER, and NIGEL LEGG

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Application 10/714,672

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ORDER RETURNING UNDOCKETING APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on April 9, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

On November 30, 2006, an Examiner Answer was entered into the record. The Evidence Relied Upon section, page no. 2, paragraph 8 is deficient. A review of the file reveals that references to Palenius et al. 2004/0058650 A1 was applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the Examiner's Answer.

Before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent

Application 10/714,672

Examining Procedure, (MPEP) §1207.02. Appropriate correction is required.

Accordingly, it is **ORDERED** that the application is returned to the Examiner to:

- 1) issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, paragraph (8); and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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Deputy Chief Appeals Administrator  
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PJN/kis

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